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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,934	03/02/2004	Jay S. Walker	03-026	3244

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WALKER DIGITAL MANAGEMENT, LLC
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EXAMINER

DHILLON, MANJOT K

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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01/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/790,934	Applicant(s) WALKER ET AL.	
	Examiner Malina K. Dhillon	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) 15, 16 and 19-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/2/04, 5/4/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-14, 17 and 18 in the reply filed on 8/30/07 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5-8, 10, 13, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Acres et al. (US 5655961).

Concerning claim 1, Acres et al. teaches a method comprising:
determining a first time; determining a second time; and providing, based on the first time matching the second time, entry into a bonus game of a gaming device **[column 25, line 38- column 26, line 24]**. A bonus game is interpreted as a game in which enhanced bonus payouts are outputted.

Concerning claim 2, Acres et al. teaches a first time includes determining a reference time; and wherein determining a second time includes determining a current time **[column 25, line 38- column 26, line 24]**.

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Concerning claim 5, Acres et al. teaches including determining a type of bonus game deterministically **[column 25, line 38- column 26, line 24]**.

Concerning claim 6, Acres et al. teaches determining whether a player has satisfied at least one criterion; and wherein providing includes providing, based on the first time matching the second time and the determining of whether the player has satisfied the at least one criterion, entry into the bonus game **[column 25, line 38- column 26, line 24]**.

Concerning claim 7, Acres et al. teaches determining whether a player has satisfied at least one criterion includes determining whether the player has made a specified number of handle pulls at a gaming device **[column 25, line 38- column 26, line 24]**.

Concerning claim 8, Acres et al. teaches determining whether a player has satisfied at least one criterion includes determining whether the player has made a specified number of handle pulls at a gaming device within a time interval beginning a specified period of time prior to the first time, and ending with the first time **[column 3, lines 13-37 and column 25, line 38- column 26, line 24]**.

Concerning claim 10, Acres et al. teaches determining whether a player has satisfied at least one criterion includes determining whether the player has wagered, at a gaming device, an amount of currency whose aggregate value equals or exceeds a specified value, within a time interval beginning a specified period of time prior to the first time, and ending with the first time **[column 25, line 38- column 26, line 24]**.

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Concerning claim 13, Acres et al. teaches includes providing, based on the first time matching the second time, entry into a bonus game independently of any prior outcomes generated **[column 25, line 38- column 26, line 24]**.

Concerning claim 17, Acres et al. teaches a method comprising: directing a first gaming device to provide entry into a first bonus game having a type characteristic that has been determined deterministically; and directing, substantially simultaneously to directing the first gaming device, a second gaming device to provide entry into a second bonus game having a type characteristic that has been determined deterministically **[column 19, line 58- column 20, line 36 and column 25, line 38- column 26, line 24]**.

Concerning claim 18, Acres et al. teaches a method comprising: determining a first bonus game type deterministically; determining a second bonus game type deterministically; directing a first gaming device to provide entry into the first bonus game; and directing, substantially simultaneously to directing the first gaming device, a second gaming device to provide entry into the second bonus game **[column 19, line 58- column 20, line 36 and column 25, line 38- column 26, line 24]**.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 3, 4, 8, 9, 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres et al. (US 5655961).

Concerning claims 3 and 4, Acres et al. teaches determining a first time includes determining a beginning of a next hour and/or determining a time that is a predetermined number of minutes before a beginning of a next hour **[column 25, line 38- column 26, line 24]**. Acres et al. teaches the bonus time schedule can be modified to encourage gaming activity. Setting the schedule to a beginning of a next hour and minutes before a beginning of a next hour are obvious variants and considered design choice to one of ordinary skill in the art.

Concerning claims 8 and 9, Acres et al. teaches determining whether a player has satisfied at least one criterion includes determining whether the player has made a specified number of handle pulls at a gaming device within a time interval beginning a specified period of time such as one hour prior to the first

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time, and ending with the first time **[column 3, lines 13-37 and column 25, line 38- column 26, line 24]**. Acres et al. teaches the bonus time schedule can be modified to encourage gaming activity. Setting the schedule to a beginning of a next hour and minutes before a beginning of a next hour are obvious variants and considered design choice to one of ordinary skill in the art.

Concerning claims 11, 12 and 14, Acres et al. teaches determining whether a player has satisfied at least one criterion includes determining whether the player has: paid in taxes to a gaming device, an amount of currency whose aggregate value equals or exceeds a specified value, within a time interval beginning a specified period of time prior to the first time, and ending with the first time and/or a specified average rate of play at a gaming device within a time interval beginning a specified period of time prior to the first time, and ending with the first time, and/or paid a fee to a gaming device in exchange for insurance that the player will be provided entry into a bonus game **[column 3, lines 13-37 and column 25, line 38- column 26, line 24]**. Acres et al. teaches improved player tracking by recording each and every machine transaction including time of play, machine number, duration of play, coins in, coins out, hand paid jackpots and games played. The player tracking is conducted over the same network as the accounting data is extracted. This allows the invention to provide bonusing to certain individual players as well as during certain times. As with standard player tracking, the above-described system monitors and reports how many coins are played by each player. The system according to the invention, however, also includes the ability to record how long each player spends at each machine and

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the number of coins won, games played, and hand jackpots won by each player. Taxes paid to a gaming device, an average rate of play and paying insurance are all obvious variants to duration of play, coins in, and hand paid jackpots and are considered design choice to one of ordinary skill in the art.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malina K. Dhillon whose telephone number is (571) 270-1297. The examiner can normally be reached on Mon. - Thurs., 7 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714

Malina Dhillon
1/16/08